

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)
) Case No. 19-22776-GLT
))
) Chapter 13
Debtor(s).)
SHAWN W DEFFNER X Related dkt. No. 62

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis** ☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate Protection **11/19/21**

IT IS HEREBY ORDERED that pursuant to the plan identified above (the “Plan”), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee’s next available distribution date after the first day of the month following the date on which this Order is entered on the Court’s docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$2,432, beginning 1/22. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee’s TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This statement of duration of the Plan is an approximation. The Plan shall not be

completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
➤ Swissvale Borough(RE) CL. #18
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
-
- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount,

to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:

- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
- Swissvale Borough(Refuse) CL. #19, Woodland Hills SD(Swissvale)(EIT) CL. #20, & Swissvale Borough(EIT) CL. #21 paid as unsecured specially Classified,
 - Attorney fees based on a retainer of \$700

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed *secured claim* (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

Dated: 1/20/22


United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk

In re:
Shawn W Deffner
Debtor

Case No. 19-22776-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jan 20, 2022

User: auto
Form ID: pdf900

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Total Noticed: 50

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 22, 2022:

Recip ID	Recipient Name and Address
db	+ Shawn W Deffner, 2316 Columbia Ave., Pittsburgh, PA 15218-1912
15086073	+ Aes/pheaa, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15086075	+ Bank Of America, 4909 Savarese Circle, F11-908-01-50, Tampa, FL 33634-2413
15110622	+ Borough of Swissvale, c/o Litigation Dept., 546 Wendel Road, Irwin, PA 15642-7539
15147782	+ Borough of Swissvale, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539
15110628	+ Cross River Bank, 885 Teaneck Road, Teaneck, NJ 07666-4547
15086081	#+ Finance of America Mortgage, 300 Welsh Road, Building 5, Horsham, PA 19044-2250
15323557	Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, IN 46037-9764
15110632	+ James & Barbara Wally, Magisterial Judge James A. Motznik, 736 Brookline Blvd., Pittsburgh, PA 15226-2178
15086083	Key Bank, Attn: Bankruptcy Dept., Oh-01-51-06224910 Tiedeman Rd., Brooklyn, OH 44144
15086085	+ Mariner Finance, Attn: Bankruptcy Department, 8211 Town Center Dr., Baltimore, MD 21236-5904
15110638	+ Metro Family Practice, 1789 S Braddock Ave., Ste. 410, Pittsburgh, PA 15218-1881
15086087	+ Mr. Cooper, Attn: Bankruptcy, Po Box 619098, Dallas, TX 75261-9098
15086088	+ Nissan Motor Acceptanc, Po Box 660360, Dallas, TX 75266-0360
15088436	Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
15099505	+ PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
15110642	Quest Diagnostics venture LLC, PO BOX 740717, Cincinnati, OH 45274-0717
15086090	+ RoundPoint Mortgage Servicing Corporatio, Attn: Bankruptcy, Po Box 19409, Charlotte, NC 28219-9409
15118789	+ RoundPoint Mortgage Servicing Corporation, 5016 Parkway Plaza Blvd., Building 6&8, Charlotte, NC 28217-1932
15086091	+ Shellpoint Mortgage Servicing, Attn: Bankruptcy, Po Box 10826, Greenville, SC 29603-0826
15086092	+ Statebridge Company LI, 5680 Greenwood Plaza Blvd, Greenwood Village, CO 80111-2414
15110646	+ Sto Rox Neighborhood Health Council, Hilltop Community Helathcare Center, 710 Thompson Ave., Mc Kees Rocks, PA 15136-3808
15086093	+ Tribute Card, Cardholder Services, Po Box 105555, Atlanta, GA 30348-5555
15124156	+ U.S. Bank Trust National Association et al, c/o NewRez LLC d/b/a Shellpoint Mortgage, P.O. Box 10826, Greenville, SC 29603-0826
15086094	+ Upstart, Attn: Bankruptcy, Po Box 1503, San Carlos, CA 94070-7503
15147814	+ Woodland Hills School District, c/o Keystone Collections Group, 546 Wendel Road, Irwin, PA 15642-7539

TOTAL: 26

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: ebnpeoples@grblaw.com	Jan 20 2022 23:22:00	Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
15110619	+ Email/Text: legal@arsnational.com	Jan 20 2022 23:22:00	ARS National Services, Inc., PO Box 469046, Escondido, CA 92046-9046
15110617	+ Email/PDF: bncnotices@becket-lee.com	Jan 20 2022 23:35:21	American Express, P.O. Box 650448, Dallas, TX 75265-0448
15103356	Email/PDF: bncnotices@becket-lee.com	Jan 20 2022 23:35:20	American Express National Bank, c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
15086074	+ Email/PDF: bncnotices@becket-lee.com	Jan 20 2022 23:34:56	Amex, Correspondence/Bankruptcy, Po Box 981540, El Paso, TX 79998-1540

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User: auto

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15086076	+ Email/Text: BarclaysBankDelaware@tsico.com	Jan 20 2022 23:22:00	Barclays Bank Delaware, Attn: Correspondence, Po Box 8801, Wilmington, DE 19899-8801
15086077	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Jan 20 2022 23:34:29	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15103089	Email/PDF: AIS.cocard.ebn@aisinfo.com	Jan 20 2022 23:34:29	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15086078	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Jan 20 2022 23:35:05	Citibank, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
15125381	Email/PDF: Citi.BNC.Correspondence@citi.com	Jan 20 2022 23:35:32	Citibank, N.A., 5800 S Corporate Pl, Sioux Falls, SD 57108-5027
15086079	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Jan 20 2022 23:34:43	Citibank/Best Buy, Attn: Bankruptcy, Po Box 790441, St. Louis, MO 63179-0441
15110626	+ Email/Text: bankruptcy_notifications@ccsusa.com	Jan 20 2022 23:23:00	Credit Collection Services, 725 Canton Street, Norwood, MA 02062-2679
15086080	+ Email/PDF: creditonebknotifications@resurgent.com	Jan 20 2022 23:34:30	Credit One Bank, Attn: Bankruptcy Department, Po Box 98873, Las Vegas, NV 89193-8873
15122857	+ Email/Text: kborkley@bernsteinlaw.com	Jan 20 2022 23:23:00	Duquesne Light Company, c/o Bernstein-Borkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15190764	Email/Text: ECMCBKNotices@ecmc.org	Jan 20 2022 23:22:00	ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
15086082	+ Email/PDF: ais.fpc.ebn@aisinfo.com	Jan 20 2022 23:34:58	First PREMIER Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524
15110629	Email/Text: sbse.cio.bnc.mail@irs.gov	Jan 20 2022 23:22:00	Department of the Treasury, Internal Revenue Service, 310 Lowell St, Stop 360, Andover, MA 01810-9041
15092987	+ Email/Text: key_bankruptcy_ebnc@keybank.com	Jan 20 2022 23:23:00	KeyBank, N.A., 4910 Tiedeman Rd., Brooklyn, OH 44144-2338
15089209	Email/PDF: resurgentbknotifications@resurgent.com	Jan 20 2022 23:35:00	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15110634	+ Email/Text: Documentfiling@lciinc.com	Jan 20 2022 23:22:00	Lending Club, 595 Market Street #200, San Francisco, CA 94105-2807
15086084	+ Email/Text: bk@lendingclub.com	Jan 20 2022 23:23:00	LendingClub, Attn: Bankruptcy, 71 Stevenson St, Ste 1000, San Francisco, CA 94105-2967
15086086	+ Email/PDF: MerrickBKNotifications@Resurgent.com	Jan 20 2022 23:34:29	Merrick Bank/CardWorks, Attn: Bankruptcy, Po Box 9201, Old Bethpage, NY 11804-9001
15086091	+ Email/Text: mtgbk@shellpointmtg.com	Jan 20 2022 23:22:00	Shellpoint Mortgage Servicing, Attn: Bankruptcy, Po Box 10826, Greenville, SC 29603-0826
15118777	Email/PDF: ebn_ais@aisinfo.com	Jan 20 2022 23:35:21	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457
15110649	+ Email/Text: wfmelectronicbankruptcyntifications@verizonwireless.com	Jan 20 2022 23:22:00	Verizon, Verizon Wireless Bankruptcy Administrati, 500 Tecnolgy Dr Ste 500, Weldon Springs, MO 63304-2225

TOTAL: 25

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		ROUNDPOINT MORTGAGE SERVICING CORPORATION
15086089		Plains Commerce Bank

District/off: 0315-2

User: auto

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15110641		Plains Commerce Bank
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*	ECMC, P.O. Box 16408, St. Paul, MN 55116-0408
cr	*+	Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, IN 46037-9764
15110616	*+	Aes/pheaa, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15110618	*+	Amex, Correspondence/Bankruptcy, Po Box 981540, El Paso, TX 79998-1540
15110620	*+	Bank Of America, 4909 Savarese Circle, Fl1-908-01-50, Tampa, FL 33634-2413
15110621	*+	Barclays Bank Delaware, Attn: Correspondence, Po Box 8801, Wilmington, DE 19899-8801
15110623	*+	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15110624	*+	Citibank, Attn: Recovery/Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
15110625	*+	Citibank/Best Buy, Attn: Bankruptcy, Po Box 790441, St. Louis, MO 63179-0441
15110627	*+	Credit One Bank, Attn: Bankruptcy Department, Po Box 98873, Las Vegas, NV 89193-8873
15110630	*+	Finance of America Mortgage, 300 Welsh Road, Building 5, Horsham, PA 19044-2250
15110631	*+	First PREMIER Bank, Attn: Bankruptcy, Po Box 5524, Sioux Falls, SD 57117-5524
15110633	*	Key Bank, Attn: Bankruptcy Dept., Oh-01-51-06224910 Tiedeman Rd., Brooklyn, OH 44144
15110635	*+	LendingClub, Attn: Bankruptcy, 71 Stevenson St, Ste 1000, San Francisco, CA 94105-2967
15110636	*+	Mariner Finance, Attn: Bankruptcy Department, 8211 Town Center Dr., Baltimore, MD 21236-5904
15110637	*+	Merrick Bank/CardWorks, Attn: Bankruptcy, Po Box 9201, Old Bethpage, NY 11804-9001
15110639	*+	Mr. Cooper, Attn: Bankruptcy, Po Box 619098, Dallas, TX 75261-9098
15110640	*+	Nissan Motor Acceptanc, Po Box 660360, Dallas, TX 75266-0360
15110643	*+	RoundPoint Mortgage Servicing Corporatio, Attn: Bankruptcy, Po Box 19409, Charlotte, NC 28219-9409
15110644	*+	Shellpoint Mortgage Servicing, Attn: Bankruptcy, Po Box 10826, Greenville, SC 29603-0826
15110645	*+	Statebridge Company LI, 5680 Greenwood Plaza Blvd, Greenwood Village, CO 80111-2414
15110647	*+	Tribute Card, Cardholder Services, Po Box 105555, Atlanta, GA 30348-5555
15110648	*+	Upstart, Attn: Bankruptcy, Po Box 1503, San Carlos, CA 94070-7503

TOTAL: 3 Undeliverable, 24 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 22, 2022

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 20, 2022 at the address(es) listed below:

Name	Email Address
Albert G. Reese, Jr.	on behalf of Debtor Shawn W Deffner areese8897@aol.com agreese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Brian Nicholas	on behalf of Creditor ROUNDPOINT MORTGAGE SERVICING CORPORATION bnicholas@kmlawgroup.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Mario J. Hanyon	on behalf of Creditor Freedom Mortgage Corporation wbecf@brockandscott.com mario.hanyon@brockandscott.com
Office of the United States Trustee	ustpre03.pi.ecf@usdoj.gov
Ronda J. Winnecour	

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cmecf@chapter13trusteedpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ccfpeoples@grblaw.com PNGbankruptcy@peoples-gas.com

TOTAL: 7